

**ZONING AMENDMENT
& SUBDIVISION STAFF REPORT**

Date: January 8, 2009

<u>APPLICANT NAME</u>	Jim Boothe Contracting and Supply Co., Inc.
<u>SUBDIVISION NAME</u>	Boothe Subdivision
<u>LOCATION</u>	1512 South Broad Street (West side of South Broad Street extending from Sutton Street to Lucille Street [to be vacated], and extending to the Illinois Central Gulf Railroad right-of-way)
<u>CITY COUNCIL DISTRICT</u>	District 3
<u>PRESENT ZONING</u>	R-1, Single-Family Residential District; and B-3, Community Business District
<u>PROPOSED ZONING</u>	I-1, Light Industry District
<u>AREA OF PROPERTY</u>	5.7± Acres
<u>CONTEMPLATED USE</u>	Subdivision approval to create 2 lots, and Zoning approval to rezone the site from R-1, Single-Family Residential District; and B-3, Community Business District to I-1, Light Industry District, to eliminate split zoning on a site with existing warehouses. It should be noted, however, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning Commission may consider zoning classifications other than that sought by the applicant for this property.
<u>REASON FOR REZONING</u>	Applicant is requesting rezoning of the site to eliminate split zoning on a site with existing warehouses. Adjacent property to the East is already zoned I-1.
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	Immediately
<u>ENGINEERING COMMENTS</u>	Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Need

to verify that there is sufficient capacity for the receiving drainage system to accept drainage from this property.

TRAFFIC ENGINEERING

COMMENTS

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

URBAN FORESTRY

COMMENTS

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).

FIRE DEPARTMENT

COMMENTS

All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate. Fire hydrants shall be provided per Section 508.5.1 of the 2003 IFC. Access to building shall be provided per Section 503.1.1 & 503.2.1 of the 2003 IFC.

REMARKS

The applicant is requesting Subdivision approval to create two lots from 12 existing lots and a portion of the right-of-way of Lucille Street (which is proposed to be vacated), and Zoning approval to rezone both of the proposed lots from R-1, Single-Family Residential District and B-3, Community Business District, to I-1, Light Industry District, to eliminate split zoning and allow warehouses.

The site, according to City of Mobile aerial photos and the applicant's own statement, is currently partially developed with an existing warehouse. The warehouse and parking are not shown on the rezoning site plan. Across the Sutton Avenue right-of-way to the North of the site is R-1 and B-3 zoned property. Across Broad Street to the east is I-2 and B-3 zoned property. To the South is R-1 and B-3 zoned property and to the West is the Illinois Central Gulf Railroad, L&N Railroad, and Interstate 10.

As stated in Section 64-9 of the Zoning Ordinance, the intent of the Ordinance and corresponding Zoning Map is to carry out the comprehensive planning objective of sound, stable and desirable development. While changes to the Ordinance are anticipated as the city grows, the established public policy is to amend the ordinance only when one or more of the following conditions prevail: 1) there is a manifest error in the Ordinance; 2) changing conditions in a particular area make a change in the Ordinance necessary and desirable; 3) there is a need to increase the number of sites available to business or industry; or 4) the subdivision of land into building sites makes reclassification of the land necessary and desirable.

The site appears to be depicted as being on the border between commercial and industrial on the General Land Use Component of the Comprehensive Plan, which is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. The accuracy of recommended land uses on the General Land Use Component map is limited due to the large scale of the map. Moreover, the General Land Use Component allows the Planning Commission

and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

The applicant's justification for rezoning is that the site is already developed with a warehouse and is split-zoned. The applicant also states that there is already I-2 and I-1 zoning in the immediate vicinity.

As the site is already developed, and the warehouse is partially on B-3 zoned land and partially on R-1 zoned land, it is possible that an error in the ordinance exists. In any case, the site is in the immediate vicinity of the Brookley Industrial Complex, and an I-1 use would not be out of character for the area. However, the site will directly abut an existing residential neighborhood. The applicant states that the intended use of the property is warehousing. A rezoning to B-5, Office-Distribution District would still allow heavy warehousing and distribution, which would require Planning Approval in a B-3 zoning district, but it would not allow some of the heavier uses which are allowed in an industrial district. Due to the proximity to the existing neighborhood and the intended uses, rezoning to B-5 would seem more appropriate. The rezoning should be contingent upon bringing the entire site into compliance with parking and landscaping and tree planting requirements of the Zoning Ordinance. As the site abuts existing residentially zoned and utilized property, compliance with Section 64-4.D.1 should be required.

Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

The proposed Lot 1 and Lot 2 both have frontage along Broad Street, a proposed major street as shown on the Major Street Plan Component of the Comprehensive Plan. The Major Street Plan dictates a right-of-way of 100 feet for this proposed major street. As depicted on the preliminary plat, the current right-of-way of Broad Street is 50 feet. As such, dedication sufficient to provide 50 feet from the centerline of the right-of-way should be provided. The proposed Lot 1 also has 27.5± feet of frontage along the unimproved Sutton Avenue Right-of-Way. Additionally, the unimproved right-of-way dead-ends into the railroad right-of-way and interstate right-of-way. Due to the limited amount of frontage, the fact that the right-of-way is unimproved, and the dead-end into the railroad right-of-way, dedication should not be required. However, the plat should be revised to depict a 30 foot minimum setback line along the Sutton Avenue right-of-way, which is sufficient to provide 60 feet from the centerline of the right-of-way. Also, the preliminary plat depicts Sutton Avenue as Sutton Street, and this should be corrected on the final plat.

Due to the limited frontage on Sutton Avenue, access to Sutton Avenue from the proposed Lot 1 should be denied. As Broad Street is a proposed major street, access management is a concern. The proposed Lot 1 and Lot 2 should be limited to one curb cut each onto Broad Street with the size, location, and design of all curb cuts to be approved by City of Mobile Traffic Engineering and conform to AASHTO standards.

The 25-foot minimum building setback is depicted for both proposed lots and should be retained on the final plat, if approved.

The two proposed lots are of sufficient size and have sufficient public right-of-way frontage to be compliant with the requirements of the Subdivision Regulations. The lots sizes are depicted on the plat and should be retained on the final plat, if approved.

The plat includes a to-be-vacated portion of the right-of-way of Lucille Street. Final plat approval should not be granted until the City Council has formally vacated the right-of-way.

The plat has an incorrect legal description. A corrected legal description has been submitted, but the legal description still needs to be updated on the final plat.

Finally, the geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

RECOMMENDATION

Rezoning: Based upon the preceding, rezoning to **B-5 Office-Distribution District** is recommended subject to the following conditions:

- 1) Completion of the subdivision process;
- 2) Compliance with parking and landscaping and tree planting requirements of the Zoning Ordinance;
- 3) Compliance with Section 64-4.D.1 of the Zoning Ordinance;
- 4) Vacation of the designated portion of Lucille Street right-of-way by the City Council; and
- 5) Full compliance with all municipal codes and ordinances.

Subdivision: The Subdivision request is recommended for approval subject to the following conditions:

- 1) Submittal of evidence of vacation of the Lucille Street right-of-way;
- 2) Dedication sufficient to provide 50 feet from the centerline of the right-of-way of Broad Street;
- 3) Depiction of a 30 foot minimum building setback line along the right-of-way of Sutton Avenue;
- 4) Provision of a note on the final plat stating that access to Sutton Avenue from Lot 1 is denied;
- 5) Provision of a note on the final plat stating that Lot 1 and Lot 2 are limited to one curb cut each onto Broad Street with the size, location, and design of all curb cuts to be approved by City of Mobile Traffic Engineering and conform to AASHTO standards;
- 6) Depiction of the 25 foot minimum building setback along all public right-of-way frontages except for the above mentioned frontage along Sutton Avenue;
- 7) Revision of the plat to reflect the name Sutton Avenue instead of Sutton Street;
- 8) Retention of lot size depictions on the final plat;

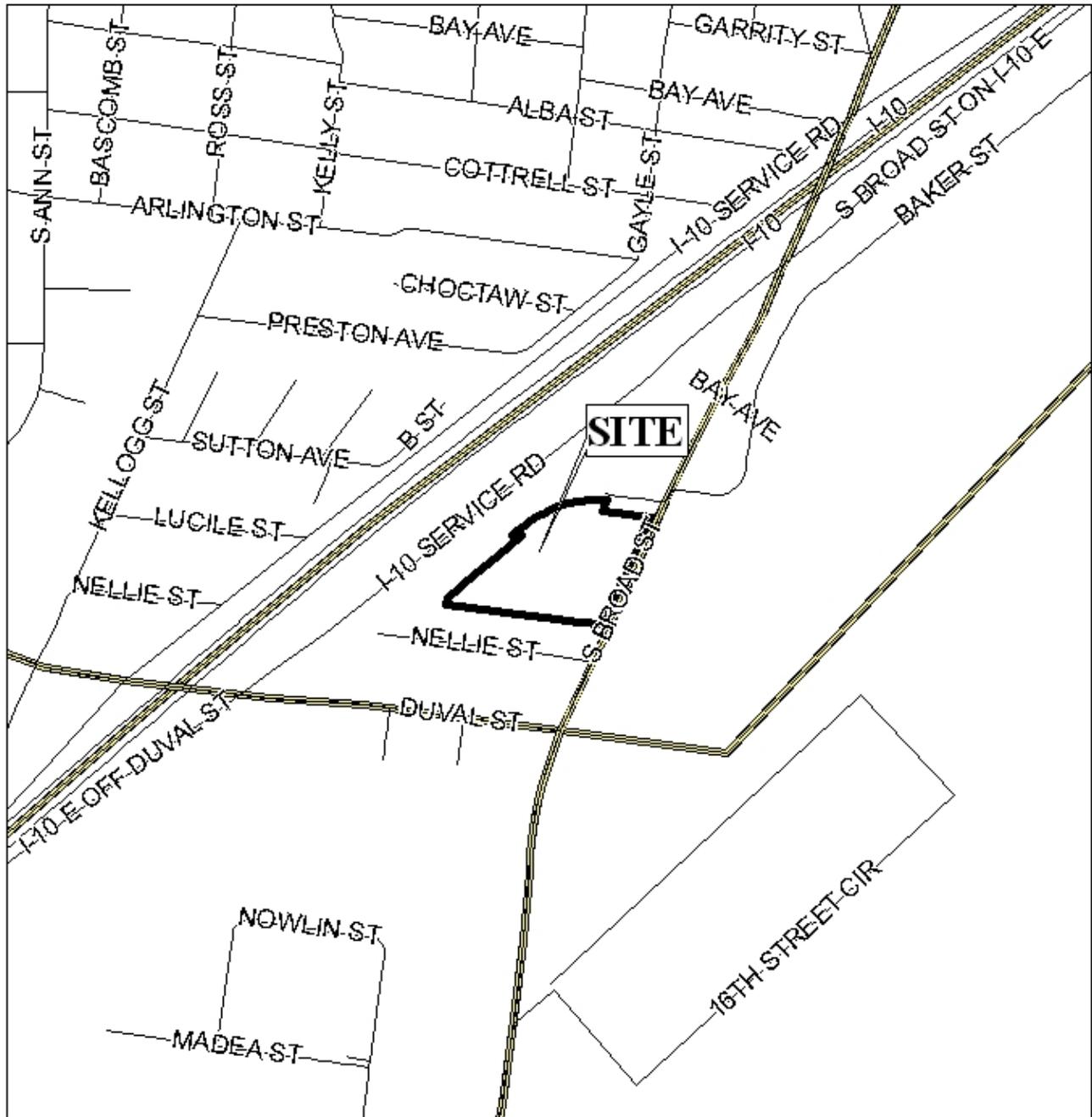
2, 3 & 4 HOLDOVER Revised SUB2008-00261, ZON2008-03004 & ZON2008-03005

- 9) Provision of a note on the final plat stating the development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species; and
- 10) Full compliance with all municipal codes and ordinances.

Revised for the February 5, 2009 meeting:

No new information was received; therefore, the above recommendations remain the same.

LOCATOR MAP



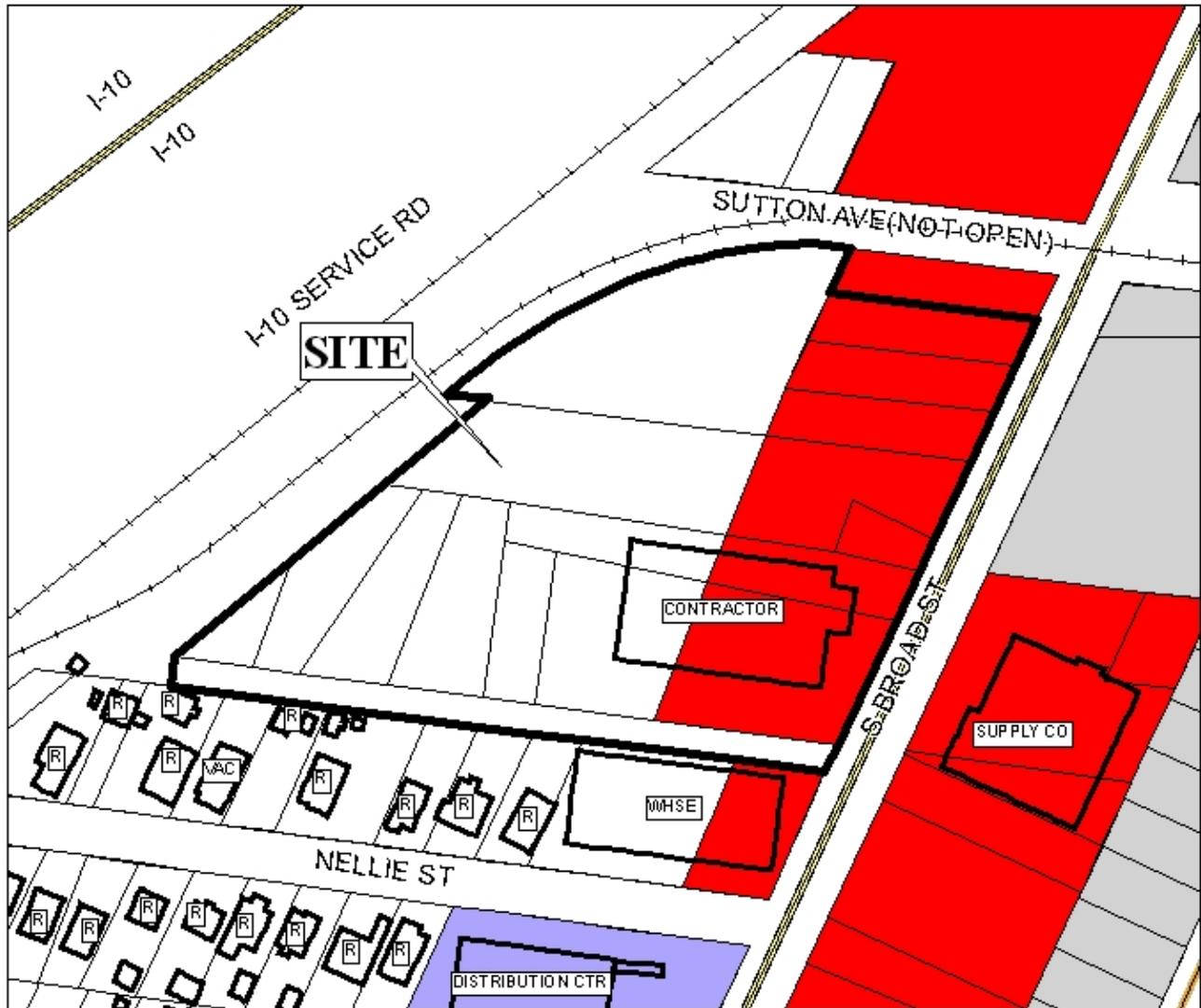
APPLICATION NUMBER 2 & 3 & 4 DATE February 5, 2009

APPLICANT Jim Boothe Contracting and Supply Co., Inc.

REQUEST Subdivision, Rezoning from R-1 and B-3 to I-1



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Single family residential units, commercial sites, and industrial sites are located to the south and east of the site.

APPLICATION NUMBER 2 & 3 & 4 DATE February 5, 2009

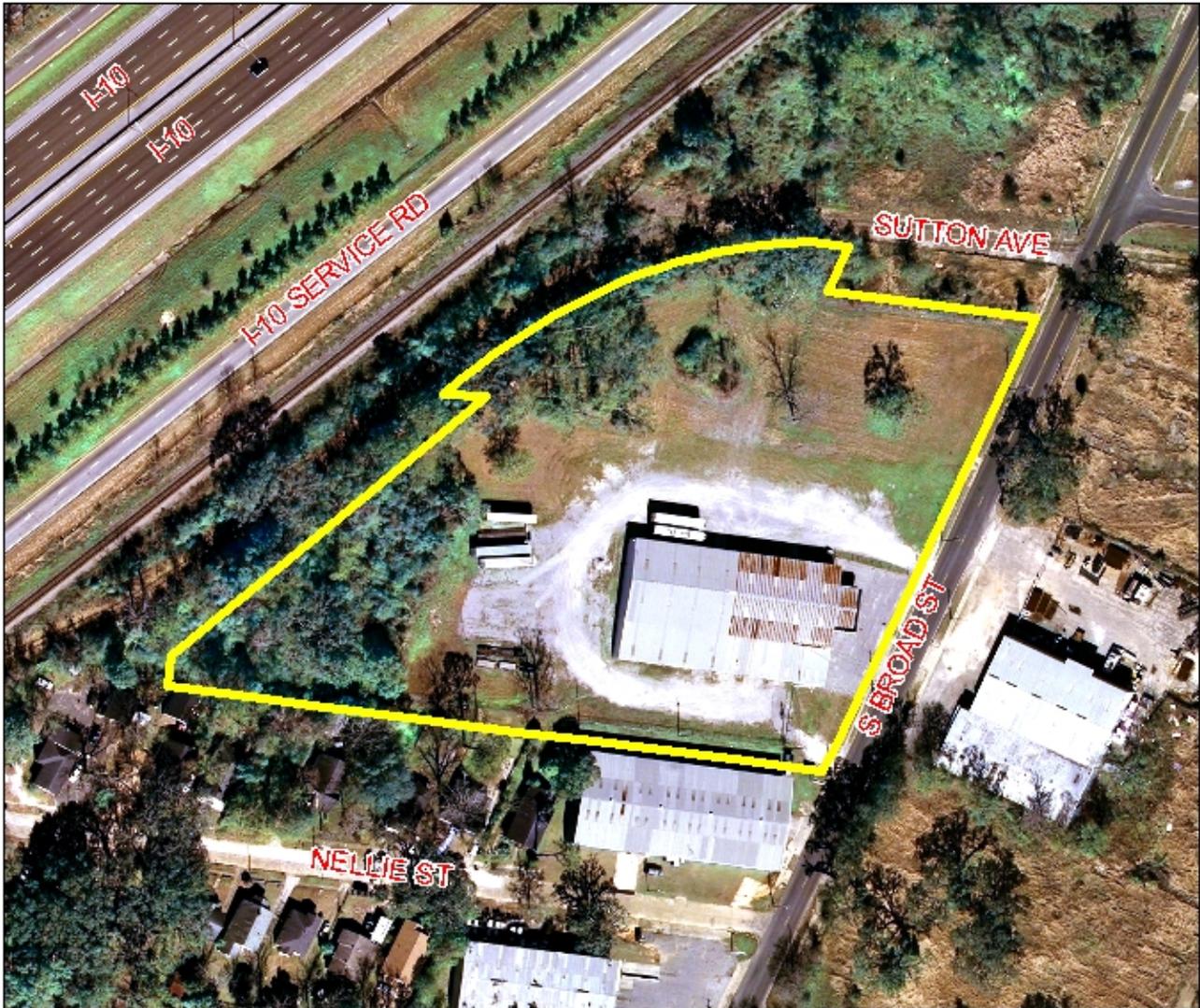
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LEGEND	 R-1	 R-2	 R-3	 R-A	 R-B	 H-B	 T-B	 B-1	 LB-2	 B-2	 B-3	 B-4	 B-5	 I-1	 I-2
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**PLANNING COMMISSION
VICINITY MAP - EXISTING ZONING**



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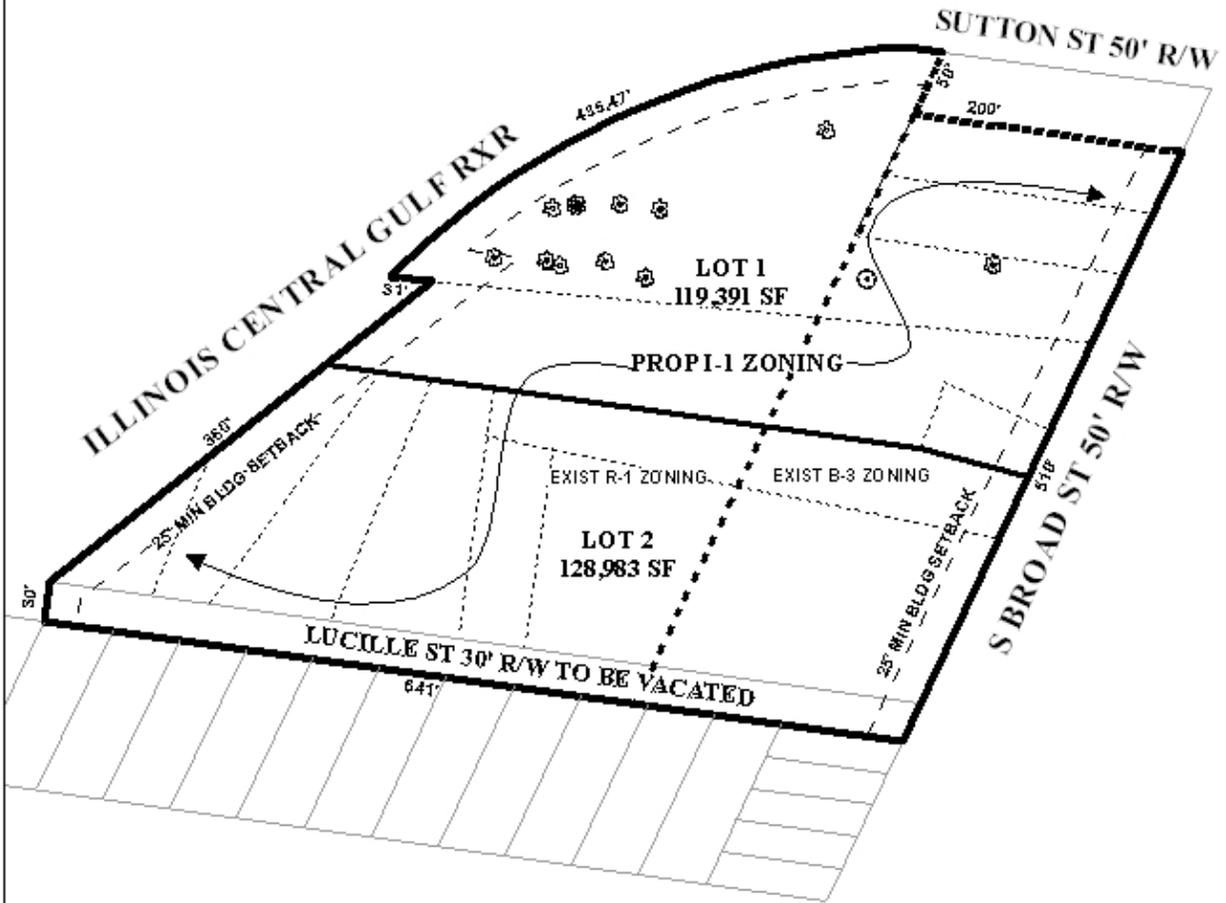
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SITE PLAN



The site plan illustrates the proposed subdivision and zoning

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